

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

JOHN BRUENS, et al.

Criminal No. 05-10102-JLT

**DEFENDANTS' JOINT MOTION FOR IMMEDIATE
DISCLOSURE OF FED. R. CRIM. P. 404(b) EVIDENCE**

Defendants John Bruens, Mary Stewart, Melissa Vaughn, and Marc Sirockman (collectively "Defendants"), hereby move this Court for an Order directing the government to immediately provide Defendants with its evidence of other crimes, wrongs, or acts it intends to introduce at trial pursuant to Fed. R. Crim. P. 404(b) and the purpose for which it might offer such evidence. Defendants require this early identification of the specific "other acts" upon which the government intends to rely in order to prepare their defense, to avoid surprise at trial, and to permit the early resolution of any disputes regarding the admissibility of such evidence. Currently, the Indictment only provides the Defendants with notice that they will have to defend against the Cannes allegation. If the government were allowed to delay giving Defendants notice of Rule 404(b) evidence until 21-days before trial commences, it would be impossible for the Defendants to re-review the 4,000,000 pages of discovery, separate out those documents relevant to the issues noticed by the government, and still be prepared for trial.

The grounds for this motion are more specifically set forth in the accompanying Memorandum in Support of Defendants' Joint Motion for Bill of Particulars.

Respectfully submitted,

JOHN BRUENS, MARY STEWART,
MELISSA VAUGHN, and MARC SIROCKMAN,
by their undersigned attorneys:

/s/ Tracy A. Miner
Tracy A. Miner
Counsel for Mark Sirockman

/s/ Thomas McC. Souther
Thomas McC. Souther
Counsel for John Bruens

/s/ Mark A. Berman
Mark A. Berman
Counsel for Mary Stewart

/s/ Adam. S. Hoffinger
Adam S. Hoffinger
Counsel for Melissa Vaughn

Date: February 10, 2006

LOCAL RULE CERTIFICATION

Pursuant to Local Rule 116.3(E)-(F), counsel for Defendants certify that by letter on January 13, 2006, they attempted in good faith to obtain the information they request in this Motion. On January 30, 2006, via letter, and on February 6, 2006, via conference call, the Government declined to provide Defendants with the information sought by this Motion

CERTIFICATE OF SERVICE

I hereby certify that this Motion for 404(b) Evidence and Memorandum in Support filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 10, 2006.

/s/ McKenzie E. Webster